IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1640 of 2002
with
Civil Application No. 5888 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KUVARSIGH RAM SIGH CHUHAN

Versus

RAMESHKUMAR AMARSIGH CHUDHRI

Appearance:

1. First Appeal No. 1640 of 2002
MR AM PAREKH for appellant No. 1
NOTICE SERVED BY DS for Respondent No. 1-2
MS MEGHA JANI for Respondent No. 3

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 04/12/2002

ORAL JUDGEMENT

1. Mr. A.M. Parekh, learned advocate for the appellant seeks leave to withdraw the appeal in view of the fact that the main claim petition being MACP No.2199 of 2000 is pending for adjudication before the Motor Accident Claims Tribunal, District Sabarkantha at Himatnagar with a request that necessary direction be issued for expeditious hearing of the main claim petition in view of the fact that the application filed by the appellant for getting compensation under "No Fault

Liability" principle is rejected on technical ground.

2. Ms. Megha Jani, learned advocate for respondent No.3 insurance company has no objection if leave to withdraw the appeal is granted and necessary direction for expeditious disposal of the main claim petition is issued.

3. In view of this, leave to withdraw the appeal is granted. The appeal stands disposed of as it is withdrawn. Motor Accident Claims Tribunal, District Sabarkantha at Himatnagar is directed to give expeditious hearing of the MACP No.2199 of 2000 by giving top priority and conclude the trial preferably on or before 30.4.2003. It is made clear that no observation made by the MACT (Aux.), Sabarkantha at Himatnagar while deciding the application filed for compensation under "No Fault Liability" principle at Ex.5 shall be taken into consideration while deciding the main claim petition as the said application came to be rejected only on technical ground. Therefore, the MACT, Sabarkantha at Himatnagar shall decide the MACP No.2199 of 2000 on the basis of the evidence adduced and produced therein without being influenced by the fact that the application filed for compensation under "No Fault Liability" principle came to be dismissed.

4. As the First Appeal is disposed of as it is withdrawn, no order on Civil Application.

5. Direct service is permitted.

(A.M. Kapadia, J.)